

REMARKS

Claims 1-13 were rejected under 35 USC 103(a) as being unpatentable over Fujiwara, U.S. Patent 6,346,949, in view of Lu, U.S. Patent 6,252,623. This rejection is respectfully traversed.

Claim 1 recites “wherein, when the image capturing device captures the image of the object with the pattern light projected by the projector on the region, the monitor displays the image of the object captured without the pattern light and stored in the memory instead of the image of the object the image capturing device captures with the projector projecting the pattern light on the region.” The Examiner asserts that Fujiwara teaches that “the monitor displays the image, stored in the memory of the object, instead of the image of the object the image taking device takes with the projector projecting the slit light on the region (col. 3, lines 1-11).” However, the Examiner fails to assert whether Fujiwara teaches that this operation is performed when the image capturing device captures the image of the object with the pattern light projected by the projector on the region (claim 1) or when the image capturing device *does not* capture the image of the object with the pattern light projected by the projector on the region. In reality, Fujiwara does not teach or suggest that the monitor displays the image captured when the image capturing device captures the image of the object with the pattern light projected by the projector on the region. Rather, Fujiwara discloses steps for deleting data after obtaining the image of the object.

Furthermore, Lu fails to teach or suggest the feature of claim 1. Accordingly, the features of claim 1 are not taught or suggested by Fujiwara, Lu or a combination thereof.

Claims 4 and 8 recite substantially the same features as recited in claim 1, and are therefore allowable for the foregoing reasons.

Claims 2, 3, 5-7 and 9-13 are allowable at least due to their respective dependencies. Applicant respectfully requests that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.

325772016900.

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Respectfully submitted,

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